

SECOND REGULAR SESSION

HOUSE BILL NO. 2043

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NETH (Sponsor), TALBOY, SWEARINGEN,
TORPEY AND DIECKHAUS (Co-sponsors).

6252L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 162.241 and 162.492, RSMo, and to enact in lieu thereof three new sections relating to school accreditation, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 162.241 and 162.492, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 162.241, 162.492, and 162.1270, to read as
3 follows:

162.241. If a proposal to form a district pursuant to the provisions of sections 162.171
2 to 162.191, 162.211 and 162.221, or section 162.223, **or section 162.1270** receives the required
3 majority of the votes cast on the proposition, the state board of education or the county
4 commission, in the case of a district formed pursuant to the provisions of sections 162.171 to
5 162.191 or 162.211 and 162.221, shall order an election in the district to be held. This election
6 shall be for the purpose of electing seven members to serve on the school board of the district.
7 Such election shall be held on the next election day as provided under section 115.123. The
8 election shall be conducted in the manner provided by section 162.371. A letter from the
9 commissioner of education, delivered by certified mail to the presiding commissioner of the
10 county commission of the county to which the district formed by provisions of section 162.223
11 is assigned shall be the authority for the county commission to proceed with election procedures
12 in the same manner as they would be performed by the district board of education were it in
13 existence; but the costs of the election shall be paid from the incidental fund of the new district.
14 Two directors shall be elected to serve until the next municipal election, two to serve until the
15 second municipal election, and two to serve until the third municipal election. The seventh

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 board member shall be elected to serve until the municipal election during which the majority
17 of school districts elect three board members.

162.492. 1. **Except as otherwise provided in this section and section 162.1270**, in all
2 urban districts containing the greater part of the population of a city which has more than three
3 hundred thousand inhabitants the terms of the members of the board of directors in office in 1967
4 shall continue until the end of the respective terms to which each of them has been elected to
5 office and in each case thereafter until the next school election be held and until their successors,
6 then elected, are duly qualified as provided in this section.

7 2. In each urban district designated in subsection 1, the election authority of the city in
8 which the greater portion of the school district lies, and of the county if the district includes
9 territory not within the city limits, shall serve ex officio as a redistricting commission. The
10 commission shall on or before November 1, 1969, divide the school district into six subdistricts,
11 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
12 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions
13 as soon as practicable after each United States decennial census. In establishing the subdistricts
14 each member shall have one vote and a majority vote of the total membership of the commission
15 is required to make effective any action of the commission.

16 3. School elections for the election of directors shall be held on municipal election days
17 in each even-numbered year. At the election in 1970, one member of the board of directors shall
18 be elected by the voters of each subdistrict. The seven candidates, one from each of the
19 subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be
20 elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In
21 addition to other qualifications prescribed by law, each member elected from a subdistrict must
22 be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from
23 one to six and the directors elected from subdistricts one, three and five shall hold office for
24 terms of two years and until their successors are elected and qualified, and the directors elected
25 from subdistricts two, four and six shall hold office for terms of four years and until their
26 successors are elected and qualified. Every two years thereafter a member of the board of
27 directors shall be elected for a term of four years and until his successor is elected and qualified
28 from each of the three subdistricts having a member on the board of directors whose term expires
29 in that year. Those members of the board of directors who were in office in 1967 shall, when
30 their terms of office expire, be succeeded by the members of the board of directors elected from
31 subdistricts. In addition to the directors elected by the voters of each subdistrict, additional
32 directors shall be elected at large by the voters of the entire school district as follows: in 1970
33 one director at large shall be elected for a two-year term. In 1972 one director at large shall be
34 elected for a four-year term. In 1974 two at-large directors shall be elected for a four-year term

35 and thereafter in alternative elections one director shall be elected for a four-year term and then
36 two directors shall be elected for a four-year term, so that from and after the 1970 election the
37 board of directors not including those members who were in office in 1967 shall consist of seven
38 members until the 1974 election and thereafter the board shall consist of nine members. In those
39 years in which one at-large director is to be elected each voter may vote for one candidate and
40 the candidate receiving a plurality of votes cast shall be elected. In those years in which two
41 at-large directors are to be elected each voter may vote for two candidates and the two receiving
42 the largest number of votes cast shall be elected.

43 4. The six candidates, one from each of the subdistricts, who receive a plurality of the
44 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
45 at-large votes shall be elected. The name of no candidate for nomination shall be printed on the
46 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
47 candidacy with the secretary of the board of directors containing the signatures of at least two
48 hundred fifty registered voters who are residents of the subdistrict within which the candidate
49 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of
50 at least five hundred registered voters. The election authority shall determine the validity of all
51 signatures on declarations of candidacy.

52 5. In any election either for at-large candidates or candidates elected by the voters of
53 subdistricts, if there are more than two candidates, a majority of the votes are not required to
54 elect but the candidate having a plurality of the votes if there is only one office to be filled and
55 the candidates having the highest number of votes, if more than one office is to be filled, shall
56 be elected.

57 6. The names of all candidates shall appear upon the ballot without party designation and
58 in the order of the priority of the times of filing their petitions of nomination. No candidate may
59 file both at large and from a subdistrict and the names of all candidates shall appear only once
60 on the ballot, nor may any candidate file more than one declaration of candidacy. All
61 declarations shall designate the candidate's residence and whether the candidate is filing at large
62 or from a subdistrict and the numerical designation of the subdistrict or at-large area.

63 7. The provisions of all sections relating to seven-director school districts shall also
64 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to
65 the extent applicable and not in conflict with the provisions of those sections specifically relating
66 to such urban districts.

67 8. Vacancies which occur on the school board between the dates of election shall be
68 filled by special election if such vacancy happens more than six months prior to the time of
69 holding a general municipal election, as provided in section 115.121. The state board of
70 education shall order a special election to fill such a vacancy. A letter from the commissioner

71 of education, delivered by certified mail to the election authority or authorities that would
72 normally conduct an election for school board members shall be the authority for the election
73 authority or authorities to proceed with election procedures. If a vacancy occurs less than six
74 months prior to the time of holding a general municipal election, no special election shall occur
75 and the vacancy shall be filled at the next general municipal election.

76 **9. In an urban school district containing the greater part of a home rule city of at**
77 **least four hundred thousand inhabitants and located in more than one county, the elected**
78 **board of directors shall maintain governance of the district as provided by law unless and**
79 **until a second declaration of unaccredited status of the district is made by the state board**
80 **of education within a period of fifteen years beginning January 1, 1998, at which time**
81 **governance shall be transferred to the authority of the renewed school district as described**
82 **in subsection 2 of section 162.1270.**

83 **10. After July 1, 2013, no further elections shall be held under sections 162.461 to**
84 **162.492 for the school board of an urban district that contains the greater part of a home**
85 **rule city with more than four hundred thousand inhabitants and located in more than one**
86 **county, except as provided in section 162.1270.**

87 **11. If the residents of the renewed school district created under section 162.1270**
88 **vote to return to local governance under subsection 8 of such section, the new district shall**
89 **be referred to as the (name of city) school district, which shall be a seven-director school**
90 **district notwithstanding the provisions of sections 160.011 and 162.211.**

162.1270. 1. Effective July 1, 2012, all powers granted to the existing school board
2 **of the school district specified in subsection 2 of this section on or before the effective date**
3 **of this section shall be vested with the special administrative board created in subsection**
4 **3 of this section.**

5 **2. Effective July 1, 2013, a school district to be known as the "Renewed School**
6 **District of (name of city)" is established, which shall be a body corporate and politic and**
7 **a subdivision of the state. The renewed school district shall be coterminous with the**
8 **boundaries of an urban district that contains the greater part of a home rule city with more**
9 **than four hundred thousand inhabitants and located in more than one county, that has**
10 **twice been declared unaccredited within a period of fifteen years since January 1, 1998,**
11 **which shall lapse upon the establishment of the renewed school district. Except as**
12 **otherwise provided in this section, the renewed school district shall be subject to all general**
13 **laws pertaining to the operation of "urban districts" as defined in section 160.011.**

14 **3. (1) The governing authority of the renewed school district shall be vested in a**
15 **five-person special administrative board, with three members selected by the commissioner**

16 of education and two members selected by the mayor of a home rule city with more than
17 four hundred thousand inhabitants and located in more than one county.

18 (2) The election and director qualification provisions of sections 162.461 to 162.492
19 shall not apply to the members of the special administrative board, except that at least two
20 of the members appointed by the commissioner of education and one of the members
21 appointed by the mayor shall be registered voters of the school district at the time of their
22 appointment.

23 (3) The special administrative board shall select a president by July 31, 2012.

24 (4) The special administrative board shall select a chief executive officer who need
25 not be a resident of the district but shall be a person of recognized administrative ability
26 and shall have all other powers and duties of a superintendent of schools, including
27 appointment of staff.

28 4. The powers and duties of the renewed school district shall include but not be
29 limited to:

30 (1) Managing its schools so as to provide the best educational opportunity to all
31 students who attend or are eligible to attend, including but not limited to the authority to:

32 (a) Determine and act on which schools should be operated, closed, or relocated,
33 and what range of grades should be operated in each school under its direct management;

34 (b) Directly manage the schools that represent the top performing quartile of
35 attendance centers based on the average of each attendance center's 2010, 2011, and 2012
36 performance on the communication arts and mathematics statewide assessments, or end
37 of course assessments, relevant to the range of grades the school served as of the 2011-2012
38 school year, as represented by the index score for each grade band or course assessment,
39 with such schools to be identified by the department of elementary and secondary
40 education no later than October 1, 2012;

41 (c) Serve as the sponsor for district public schools converted to renewal charter
42 schools as provided in subsection 6 of this section, notwithstanding the provisions of
43 sections 160.400 to 160.420;

44 (2) Setting the tax levy for the urban district which it supersedes;

45 (3) Oversight of facility planning, construction, improvement, repair, maintenance,
46 rehabilitation, repurposing, and disposal, with right of first refusal for acquisition of
47 surplus buildings offered to charter schools;

48 (4) Employment of such staff members as it deems necessary, including the
49 authority to require all staff under contract at the time the special administrated board
50 was created to reapply for employment;

51 **(5) Continuation of contracts in place at the time the special administrative board**
52 **was created not relating to personnel, unless the president of the special administrative**
53 **board or the other party to the contract gives notice within ninety days after July 1, 2013,**
54 **that the contract shall be subject to renegotiation; and**

55 **(6) Development of a community outreach plan by December 31, 2012, to engage**
56 **parents and community leaders in the successful operation and academic improvement of**
57 **all schools under its jurisdiction and to solicit advice on any proposed changes in**
58 **attendance options or other matters of community significance.**

59 **5. Nothing in this section shall affect the admissions criteria for signature schools.**
60 **The special administrative board shall provide sufficient flexibility in budgeting and**
61 **staffing matters to the principals of the schools under its direct control to permit the**
62 **principals to be evaluated on the effectiveness of their academic and financial leadership.**

63 **6. (1) When the special administrative board receives notice that a traditional**
64 **public school is not in the top quartile as provided in paragraph (c) of subdivision (1) of**
65 **subsection 4 of this section, it shall issue a request for proposal for operators of the school**
66 **as a renewal charter school. The proposal shall include the information required by**
67 **section 160.405, except that no such renewal charter school shall be initially chartered as**
68 **a local educational agency until it applies for renewal subsequent to its first charter period.**
69 **A public school identified as required in this subdivision that does not become a renewal**
70 **charter school shall remain under the direct control of the special administrative board.**

71 **(2) Each renewal charter shall have its own operator and governing board, except**
72 **that up to five schools may be operated under a single renewal charter. During the renewal**
73 **charter school's first charter period, which is limited to five years, notwithstanding section**
74 **160.410 it may reserve a number of seats, after consultation with the special administrative**
75 **board, for students who were attending the school in the 2012-2013 school year or who**
76 **were attending a school that had previously routinely sent its students to the school as the**
77 **students were promoted to the next grade.**

78 **(3) After the first charter period, the special administrative board may retain its**
79 **sponsorship, seek an independent sponsor, or may return the renewal charter to direct**
80 **governance as a traditional public school.**

81 **(4) Nothing in this subsection shall preclude any prospective sponsor of a charter**
82 **school from establishing a new charter school as a local educational agency as provided in**
83 **section 160.405.**

84 **(5) Renewal charter schools shall be subject to district accreditation standards**
85 **along with the schools under the direct control of the special administrative board.**

86 **7. Transfers of students from the renewed school district to districts in the same or**
87 **an adjoining county as authorized under section 167.131 shall continue until the renewed**
88 **school district has attained provisional accreditation from the state board of education and**
89 **retained that status or better for three consecutive full school years. At that point, transfer**
90 **students who are enrolled in high school shall be permitted to attend the receiving district**
91 **until they graduate from high school, but no new transfers shall be permitted.**

92 **8. (1) The renewed school district shall continue in existence until the district has**
93 **regained full accreditation and retained that status for three consecutive full school years**
94 **but shall continue through at least the end of the 2017-2018 school year. Upon notice by**
95 **the commissioner of education under section 162.241 to the election authority that the**
96 **conditions of this subsection have been satisfied, the election authority shall place a**
97 **question on the ballot that shall read substantially as follows:**

98 **"Shall the renewed school district of (insert name of school district) continue in**
99 **existence under the authority of the special administrative board?".**

100 ☐ YES

☐ NO

101
102 **A vote of "NO" will be followed by a future election for a seven-director board.**

103 **(2) If a majority of the residents of the district voting in the election does not vote**
104 **to continue the existence of the renewed school district, the special administrative board**
105 **of the district shall assign seat numbers and staggered terms and shall hold an election to**
106 **fill the seats of a seven- director district as required under sections 162.083 and 162.241.**

107 **(3) If the residents of the district vote to retain the special administrative board, the**
108 **renewed district shall continue for at least a period of five additional school years, after**
109 **which time, residents of the district may petition the special administrative board to hold**
110 **another election pursuant to this subsection to return to local governance by submitting**
111 **a petition under section 162.221. A period of five years shall elapse before any subsequent**
112 **election to return to local governance may be held if the residents of the district do not vote**
113 **to return to local governance.**

 Section B. In order to provide clarity and certainty for the ultimate academic benefit of
2 all students whose school district accreditation status has raised logistical questions about
3 providing educational adequacy, this act is deemed necessary for the immediate preservation of
4 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and this act shall be in full force and effect upon its
6 passage and approval.

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